

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:01CR169</b>
	)	
<b>v.</b>	)	<b>REPORT AND RECOMMENDATION</b>
	)	<b>AND</b>
<b>ELVIN FERRERA HERNANDEZ,</b>	)	<b>ORDER</b>
	)	
<b>Defendant.</b>	)	

At the conclusion of the hearing on March 9, 2009, on the defendant's motion to dismiss, I stated my conclusions on the record and my decision to recommend that the motion to dismiss be denied. In accordance with that announcement,

**IT IS RECOMMENDED** to the Honorable Laurie Smith Camp, United States District Judge, that the motion to dismiss, Filing No. 22, be denied as set forth in the oral Report and Recommendation.

**FURTHER, IT IS ORDERED:**

Pursuant to NECrimR 57.3 any objection to this Report and Recommendation shall be filed with the Clerk of the Court within ten (10) business days after the transcript is available to counsel for reading in the clerk's office. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 10th day of March, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge